Honolulu, Hawaii

April 3

, 2014

RE: S.B. No. 41

S.D. 1 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2014 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 41, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO REAL ESTATE,"

begs leave to report as follows:

The purpose of this measure, as received by your Committee, is to clarify the role of a local contact for operators of transient accommodations.

For the purposes of a public hearing on this measure, your Committee circulated S.B. No. 41, H.D.1 PROPOSED, and notified the public that it would be accepting testimony on the Proposed Draft, which allows the Real Estate Commission to waive up to one year of an applicant's required three years of experience, under certain circumstances, for the real estate broker examination.

Your Committee received testimony from the following organizations and individuals on S.B. No. 41, S.D. 1, as received by your Committee, and on the Proposed Draft.

The Hawaii Association of Vacation Rental Managers testified in support of this measure as received by your Committee. The Department of Taxation testified in support of the intent of the measure as received by your Committee.

An individual testified in support of the Proposed Draft. The Real Estate Commission testified in opposition to the Proposed Draft.

Your Committee considered the merits of both S.B. No. 41, S.D.1, as received by your Committee and the Proposed Draft, and upon careful consideration, adopted the Proposed Draft with the following amendments:

- (1) Inserting the original contents of S.B. No. 41, S.D.1, which clarifies the role of a local contact for operators of transient accommodations as PART I of the measure;
- (2) Amending the definition of "custodian or caretaker" to exclude any individual who acts as a designated agent pursuant to section 521-43(f), Hawaii Revised Statutes;
- (3) Including a severability clause in the measure;
- (4) Providing for repeal of the waiver of experience requirements for the real estate broker examination on June 30, 2016; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 41, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 41, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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Respectfully submitted on behalf of the members of the Committee on Consumer Protection & Commerce,

ANGUS L.K. McKELVEY, Chair

## State of Hawaii House of Representatives The Twenty-seventh Legislature

HSCR 1503-14

## **Record of Votes of the Committee on Consumer Protection and Commerce**

SB 41, SD1, SD1	Committee	Referral:	E	O4/02/1	4
☐ The committee is reconsidering its pre	vious decision	on the measure.			
The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  Pass short form bill with HD to recommit for future public hearing (recommit)					
CPC Members		Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)				L Ke L Sil	
2. KAWAKAMI, Derek S.K. (VC	)			MINISTER STREET	E successions
3. BELATTI, Della Au					
4. BROWER, Tom				TANKS WAS THE STREET OF THE STREET	D Military Name and Comment
5. CACHOLA, Romy M.					
<ul><li>6. CREAGAN, Richard</li><li>7. EVANS, Cindy</li></ul>					
8. HAR, Sharon E.	3/5 A L 1				
9. ITO, Ken					
10. LEE, Chris					
11. NAKASHIMA, Mark M.					
12. OSHIRO, Marcus R.				2019 (1) 2 189 W. 11 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	A CONTROL OF THE PROPERTY OF T
13. TSUJI, Clift		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			
14. YAMANE, Ryan I.					
15. MCDERMOTT, Bob					
16. THIELEN, Cynthia					·
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TOTAL (16)		14			2
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)					
Vice Chair's or designee's signature:					
<b>Distribution:</b> Original (White) – Commi	ittee Duj	plicate (Yellow) –	Chief Clerk's Of	fice Duplicate (I	Pink) – HMSO